

NEBRASKA ADMINISTRATIVE CODE

TITLE 247, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 15

NEBRASKA DEPARTMENT OF MOTOR VEHICLES

**RULES AND REGULATIONS GOVERNING THE MOTOR VEHICLE INSURANCE DATA
BASE PURSUANT TO NEB. REV. STAT. §§ 60-362, 60-387, AND 60-3,136 THROUGH
60-3,139.**

Last Filing Date: _____

DRAFT DATE
5/6/11

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LAST EFFECTIVE DATE: ~~July 17, 2005~~**May 6, 2009.**

RULES AND REGULATIONS GOVERNING THE MOTOR VEHICLE INSURANCE DATA BASE PURSUANT TO NEB. REV. STAT. §§ 60-362, 60-387, AND 60-3,136 THROUGH 60-3,139.

001 SCOPE. Neb. Rev. Stat. § 60-387 provides that application for registration of motor vehicles shall be accompanied by proof of financial responsibility and that proof of financial responsibility may be evidenced by a check by the Department of Motor Vehicles or its agents of the Motor Vehicle Insurance Data Base created by Neb. Rev. Stat. § 60-3,136 through 60-3,139 or by any other automated or electronic means as prescribed or developed by the Department of Motor Vehicles. These rules and regulations govern the administration and requirements of the Motor Vehicle Insurance Data Base by the Department of Motor Vehicles pursuant to the above statutes.

002 PURPOSE. These rules and regulations relate to the record reporting requirements of the Motor Vehicle Insurance Data Base and provide insurers or insurer groups with the necessary information to comply with those reporting requirements.

003 DEFINITIONS.

003.01 Automobile liability insurance policy means an owner's or operator's policy of liability insurance, as provided in Neb. Rev. Stat. § 60-501(10) as proof of financial responsibility, and issued by an insurer or insurer group duly authorized to do business in this state, to or for the benefit of the person named therein as insured. This shall also include motorcycle liability policies and liability policies including an SR-22 filing.

003.02 Commercial lines policy means insurance coverage for businesses, institutions, organizations, associations and professionals as reported to the Department of Insurance on the Combined Annual Statement Nebraska State Business Page as Other Commercial Auto Liability.

003.03 Department means the Nebraska Department of Motor Vehicles.

003.04 Department of Insurance means the Nebraska Department of Insurance.

003.05 Excess liability policy means a liability policy other than an automobile liability policy that has the ability to respond in damages for a stated amount above and beyond the liability limits of the underlying automobile liability policy.

003.06 In force means the ability to respond in damages for liability through the automobile liability policy expiration date.

003.07 Insurer means any company, whether organized as a stock, mutual, assessment, or any other entity authorized to transact the business of automobile liability insurance in Nebraska and which issues such insurance policies in this state and insurance company as provided in Neb. Rev. Stat. § 60-3,137.

003.08 Insurer group means a group of insurers under the same ownership.

003.09 NAIC number (#) means the insurer's National Association of Insurance Commissioner's identification number.

003.10 Optional reporting means that reporting which insurers may, but are not required, to transmit to the Department.

003.11 Motorboat means a motorboat as defined by Neb. Rev. Stat. § 37-1204.

003.12 Personal watercraft means a class of motorboat as defined by Neb. Rev. Stat. § 37-1204.01.

003.13 Physical damage only policy means an automobile liability policy that provides for the ability to respond in damages for physical damage only and not for bodily injury or death.

003.14 Record means the information in each automobile liability insurance policy pertaining to each insured vehicle, not each insurance policy. Each record shall include, but not be limited to, the NAIC number, vehicle identification number, policy number, policy expiration date and policyholder name.

003.15 Reporting means the transfer of automobile liability insurance policy records to the Department.

003.16 Required reporting means those records which insurers are required to transmit to the Department.

003.17 Self insurer means any person qualifying as a self-insurer pursuant to Neb. Rev. Stat. §§ 60-562 to 60-564.

003.18 Snowmobile means a snowmobile as defined by Neb. Rev. Stat. § 60-663.

003.19 SR-22 means proof of financial responsibility in accordance with Neb. Rev. Stat. § 60-529.

003.20 Trailer means a trailer as defined by Neb. Rev. Stat. § 60-501(4) and a cabin trailer as defined by Neb. Rev. Stat. § 60-614.

003.21 Vehicles not required to be registered means vehicles exempt from registration pursuant to Neb. Rev. Stat. § 60-339.

003.22 Vehicle title and registration system means the computerized title and registration system maintained by the Department.

004 INSURER OR INSURER GROUP REQUIREMENTS.

004.01 Required Reporting. Each insurer or insurer group authorized to transact the business of automobile liability insurance and issuing automobile liability insurance policies in Nebraska shall electronically file records of each primary automobile liability insurance policy issued in Nebraska insuring vehicles registered in Nebraska for inclusion in the Motor Vehicle Insurance Data Base. Insurers or insurer groups are required to report all such automobile liability insurance policies to the Department when an insurer's or insurer group's direct written premiums for automobile liability insurance policies are \$100,000 or more as reported to the National Association of Insurance Commissioners for the prior calendar year and the Department has sent notification (*see 005.01 of these rules and regulations*). The insurer or insurer groups has 90 days from the mailing date of written notification by the Department to comply with the requirements of the Motor Vehicle Insurance Data Base. When calculating when an insurer group has direct written premiums for automobile liability insurance policies, it shall be the total of such premiums for all members of the insurer group for purposes of enforcement of these regulations.

004.02 Exclusions. The following shall be excluded from reporting to the Motor Vehicle Insurance Data Base:

004.02A Any vehicle registered with the Department of Motor Vehicles, Division of Motor Carrier Services, pursuant to Neb. Rev. Stat. §§ 60-3,192 through 60-3,206;

004.02B Any person who qualifies as a self-insurer;

004.02C Trailers;

004.02D Vehicles not required to be registered (i.e., cranes, tractors, golf carts, ATV's, etc.);

004.02E Snowmobiles;

004.02F Motorboats;

004.02G Excess liability policies; and

004.02H Physical damage only policies.

004.03 Optional Reporting. The following may be voluntarily reported to the Department:

004.03A Records of automobile liability insurance policies written as commercial lines; and

004.03B Records of automobile liability insurance policies of an insurer or insurer group with direct written premiums of less than \$100,000 as reported to the National Association of Insurance Commissioners for the prior calendar year.

004.04 Reporting Periods and Deadlines. ~~All required and optional reporting insurers or insurer groups are required to electronically provide automobile liability insurance policy records to the Department. The data containing such records shall be provided monthly no later than the tenth working day of the month and no sooner than the fifth working day of the month. The data that shall be reported to the Department's Motor Vehicle Insurance Data Base shall include the record of each automobile liability insurance policy in force at the end of the prior month's processing period.~~

004.04A Until section 004.04B is effective, all required and optional reporting insurers or insurer groups are required to electronically provide automobile liability insurance policy records to the Department. The data containing such records shall be provided monthly no later than the tenth (10th) working day of the month and no sooner than the fifth (5th) working day of the month. The data that shall be reported to the Department's Motor Vehicle Insurance Data Base shall include the record of each automobile liability insurance policy in force at the end of the prior month's processing period. This subsection shall terminate on the date 004.04B becomes effective.

004.04B This section shall be effective on the first working day of the first month 60 days after the date the Governor approves the amended version of these rules and regulations. All required and optional reporting insurers or insurer groups are required to electronically provide automobile liability insurance policy records to the Department. The data containing such records shall be provided between the first (1st) and third (3rd) working days and between the eleventh (11th) and thirteenth (13th) working days each month. The data that shall be reported to the Department's Motor Vehicle Insurance Data Base shall include the record of each automobile liability insurance policy in force at the end of each reporting period.

004.05 Change from Optional to Required Reporting. An insurer or insurer group must begin reporting records of automobile liability insurance policies when the insurer's or insurer group's direct written premiums are \$100,000 or more as reported to the National Association of Insurance Commissioners for the prior calendar year (see *004.01 and 004.03 of these rules and regulations*), and the Department has sent written notification (see *005.01 of these rules and regulations*). The insurer or insurer group has 90 days from the mailing date of the written notification to comply with the requirements of the Motor Vehicle Insurance Data Base.

004.06 Electronic Filing Process. Insurers or insurer groups shall provide required records pertaining to all of their respective Nebraska automobile liability insurance policies through an ~~an~~ monthly electronic process as prescribed by the Department in the Nebraska Insurance Reporting Guide.

004.07 Compliance with Nebraska Insurance Reporting Guide. Insurers or insurer groups required to report records pursuant to these rules and regulations are subject to

the specifications and provisions as defined by the Department in the Nebraska Insurance Reporting Guide and as amended from time to time. Insurers or insurer groups authorized to transact the business of automobile liability insurance in Nebraska and which issue such insurance policies in this state, as reported to the Department by the Department of Insurance, shall be mailed a notice of amendments to the Nebraska Insurance Reporting Guide. On or before the date of amendment, the amended Nebraska Insurance Reporting Guide will be made available electronically. Insurers or insurer groups authorized to transact the business of automobile liability insurance in Nebraska and which issue such insurance policies in this state, as reported to the Department by the Department of Insurance, must comply with amendments to the Nebraska Insurance Reporting Guide within 90 days of the date of the mailed notice.

005 DEPARTMENT REQUIREMENTS.

005.01 Notification Required. The Department will provide mailed written notice to insurers or insurer groups, or other entities authorized to transact the business of automobile liability insurance in Nebraska and which issue automobile liability insurance policies in this state, to begin required reporting of records of automobile liability insurance policies, insurer groups, or other entities authorized to transact the business of automobile liability insurance in Nebraska and which issue automobile liability insurance policies in this state when the insurer's or insurer group's direct written premiums are \$100,000 or more as reported to the National Association of Insurance Commissioners for the prior calendar year.

005.02 Data Base Message. Upon inquiry by the Department, its agents, or law enforcement, the Department shall return the following electronic message when an insurance record is not found on the Motor Vehicle Insurance Data Base: "Information Unavailable, Review of Insurance Card Required".

005.03 Record Validity. The Department, its agents, or law enforcement shall not consider as valid any record contained in the Motor Vehicle Insurance Data Base after midnight on the expiration date associated with such record.

005.04 Publication Required. The Department shall publish and make available to all insurers and insurer groups a Nebraska Insurance Reporting Guide (Guide). This Guide, as amended from time to time, shall provide the insurer or insurer group with all of the technical information needed for the insurer or insurer group to comply with the requirements of the Motor Vehicle Insurance Data Base. The Department will make the Guide available in electronic format.

005.05 Record Error Reports. The Department shall return to the reporting insurers or insurer groups error reports that include, but are not limited to, the following:

005.05A Incorrect data format;

005.05B Vehicle identification number not found on the Department's Vehicle Title and Registration System;

005.05C Invalid vehicle identification numbers submitted;

005.05D Invalid expiration dates submitted; and

005.05E Any record submitted that fails to comply with the Nebraska Insurance Reporting Guide.

005.06 Release of Insurance Record. The Department shall not release any record contained in the Motor Vehicle Insurance Data Base except in conjunction with a copy of the registration or title record for the corresponding vehicle. The request for such record shall indicate that the record will be used only by any insurer, insurer group, insurance support organization, or by a self-insured entity, or its agents, employees, or contractors in connection with claims investigation activities, anti-fraud activities, rating, or underwriting; or for use by any federal, state, or local governmental agency, including any court or law enforcement agency, in carrying out the agency's functions; or by a private person or entity acting on behalf of a governmental agency in carrying out the agency's functions. The request for the record shall be in compliance with the Uniform Motor Vehicle Records Disclosure Act, Neb. Rev. Stat. §§ 60-2901 through 60-2912.